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MONTANA LEGISLATIVE HISTORY

Chapter 488 19 81

Bill H 683 S _____ Original bill & history ____C

H. Committee on State Admin		S. Committee on State Admin	
Hearing Date(s) Feb 13	✓ C	Hearing Date(s) Mar 09	✓ C
Feb 16	✓ C	Mar 24	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out _____	____C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HEARING: 2/17
BILL DIED IN COMMITTEE

FAREGA, B. BROWN, BERGENE, ET AL--TO REVISE AND CLARIFY THE
RELATING TO BALLOT ISSUES....
FISCAL NOTE: REQUIRED
INTRODUCED: 2/7
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/7
HEARING: 2/13
REPORT: DO PASS AS AMENDED, 2/16
2ND READING: 2/20, YEAS: 92; NAYS: 0
3RD READING: 2/24, YEAS: 99; NAYS: 0

TRANSMITTED TO SENATE: 2/24
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/2
HEARING: 3/9
REPORT: 3/26, BE CONCURRED IN, AS AMENDED
2ND READING: 3/31, BE CONCURRED IN
ON MOTION, 3/31, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 3/31, YEAS: 46; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 3/31
2ND READING: 4/9, YEAS: 91; NAYS: 0
ON MOTION, 4/9, RULES SUSPENDED AND PLACED ON 3RD READING.
3RD READING: 4/9, YEAS: 91; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/16
ACTION: SIGNED, 4/21
CHAPTER 488

LORY--TO TRANSFER THE LICENSING AUTHORITY OVER NEW MOTOR VEHICLE
MANUFACTURERS, DISTRIBUTORS, AND IMPORTERS FROM THE DEPARTMENT OF
BUSINESS REGULATION TO THE DIVISION OF MOTOR VEHICLES.
FISCAL NOTE: REQUIRED
INTRODUCED: 2/9
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/9
HEARING: 2/16
REPORT: DO PASS, 2/16
2ND READING: 2/21, YEAS: 87; NAYS: 0
3RD READING: 2/24, YEAS: 98; NAYS: 1

TRANSMITTED TO SENATE: 2/24
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/2
HEARING: 3/6
REPORT: 3/17, BE CONCURRED IN, AS AMENDED
2ND READING: 3/24, BE CONCURRED IN
3RD READING: 3/26, YEAS: 46; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 3/26
2ND READING: 4/8, YEAS: 89; NAYS: 2
3RD READING: 4/9, YEAS: 95; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/13
ACTION: SIGNED, 4/18
CHAPTER 431

LORY, BERG--TO REESTABLISH THE BOARD OF SANITARIANS UNDER
THE STATUTORY AUTHORITY AND RULES....
FISCAL NOTE: REQUIRED
INTRODUCED: 2/9

QUESTIONS BY THE COMMITTEE: HB 657

Kropp: What are some of your duties during "off election" periods?

Ruming: We have the Lobbyist Disclosure Bill, school elections, audit trips etc.

Winslow: Isn't it true that some of the recommendations for the position of Commissioner come from political parties?

Krivec: It is true that some recommendations can come from political parties, they go through the Speaker of the House and the President of the Senate I think.

Spilker: Don't you think it would be appropriate for the law to state that you cannot hold office five (5) years prior to the appointment of Commissioner as well as five (5) years after?

Krivec: Yes, that would be ok. I never have held a political office.

Sales: Who determines the kinds of things that should be on the D-1 form?

Krivic: Initiative 85 decided what should be on the form.

Representative Underdal closed the hearing on HB 657. He said that the Secretary of State was not present to testify in support of this bill because they had specifically requested him not to be here. He said that they talked to the Secretary of State before introducing this bill and he said that he could handle the job and save money as well. He said that the Secretary of States office should be beyond politics in serving the people in Montana.

HOUSE BILL 683-SPONSOR, Representative Fabrega, explained this bill to the committee. This bill amends the laws concerning ballot issues. It requires the Legislative Council to review the text of proposed ballot measures for clarity and consistency subject to the approval of the person submitting the petition. The bill also describes the form of initiative, referendum, constitutional convention, and constitutional amendment petitions; requires that the affidavit attached to each petition contain the address of the petition circulator, and authorizes the Attorney General to create a five-member committee to recommend the statement

HB 683 (cont.)

of purpose and the statement of the implications of a ballot measure.

PROPONENTS

MIKE MALES, E.I.C., concurred with Representative Fabrega's testimony. He did point out that there may be a duplication on page 13, line 2 having to do with the date of notarizing and the date of signing. He said that the idea of the opponents and proponents of the initiative writing the title together is very good. Under present law, opponents generally do not know when a ballot issue has been released and only proponents write the title.

MARK MACKIN, C.L.C., concurred with other proponents.

OPPONENTS

MIKE McGRATH, Attorney Generals office, stated that they do not oppose or support the bill but would like to point out a couple things in section 7. He said there may be a problem with finding a committee to write the title within 21 days. The bill does not provide financing for people who serve on the committee, therefore, the committee may be all people from Helena. He also felt there were some problems with the language in the bill.

QUESTIONS BY THE COMMITTEE:

McBride: What about Mr. McGraths concern about the language regarding signatures.

Fabrega: I think the word exactly should be taken out.

Feda: We will have Lois (researcher) work out the amendments. A copy of these amendments is attached to the minutes.

Representative Fabrega closed by stating: "the statements regarding the initiative should have propinquity to the issue and therby avoid vexatious acrimony and intransigence."

HOUSE BILL 636-SPONSOR, Representative Feda, introduced HB 636 to the committee. Under current law, the Board of Massage therapists is scheduled to terminate on July 1, 1981. This bill reestablishes the board for six additional years (until July 1, 1987) with its existing statutory authority. It further provides that one member of the three-member board be from the public, removes the board's four-member limitation, and eliminates the bond requirement for the treasurer of the board.

EXECUTIVE SESSION

HB 683 HELD FOR AMENDMENTS

It was the decision of the committee to hold this bill until the amendments could be presented before the committee.

HOUSE BILL 636 DO PASS

Representative Kanduch moved a DO PASS on HB 636. Representative Briggs seconded the motion.

Representative Winslow said that the board is no cost to the state and it patrols itself which takes the burden of the county attorney.

A vote was taken and carried with 13 YES, 4 NO and two absent. Representatives Sales, McBride, Spilker and Smith voted no.

HOUSE JOINT RESOLUTION 23 DO PASS AS AMENDED

Representative Kropp moved the amendments. (SEE EXHIBIT 2) A vote was taken and carried unanimously.

Representative Kropp made a motion that HJR 23 DO PASS AS AMENDED. A vote was taken and carried unanimously with those present.

HOUSE BILL 290 -returned DO PASS AS AMENDED

Representative Phillips explained the amendments, which the sub-committee recommended, to the committee. A copy is attached and is EXHIBIT 3 of the minutes.

Representative Spilker asked if the amendments could be voted on separately.

Representative Phillips moved amendments #1,#3, #4, #5, #6, #7 DO PASS. A vote was taken and carried with 14 YES, 3 NO and 2 absent. Representatives Mueller, Sales and Spilker voted no.

Representative Phillips moved a DO PASS on amendments #2, #8, #9, #10 and #11. A vote was taken and carried unanimously with those present.

Representative McBride moved a DO PASS AS AMENDED. A vote was taken and carried with 14 YES, 3 NO and 2 absent. Representatives Sales, Smith and Mueller voted no.

STATE ADMINISTRATION
AMENDMENTS TO HOUSE BILL 683

FEBRUARY 14, 1981
RM 436

1. Page 4, line 9.
Following: "sign"
Strike: "with"

2. Page 4, line 10.
Following: "address"
Strike: "exactly"
Insert: "in substantially the same menner"
Following: "as"
Strike: "he/she is registered to vote"
Insert: "on his/her voter registry card"

3. Page 6, line 18.
Following: line 17
Strike: "exactly"
Insert: "in substantially the same manner"
Following: "as"
Strike: "he/she is registered to vote"
Insert: "on his/her voter registry card"

4. Page 9, line 4.
Following: line 3
Strike: "exactly"
Insert: "in substantially the same manner"
Following: "as"
Strike: "he/she is registered to vote"
Insert: "on his/her voter registry card"

5. Page 11, line 14.
Following: "address"
Insert: "in subtantially the same manner"

6. Page 11, line 15.
Following: line 14
Strike: "he/she is registered to vote"
Insert: "on his/her voter registry card"

7. Page 12, line 17.
Following: "petition),"
Strike: "affirms"
Insert: "affirm"
Following: "sworn,"
Strike: "deposes"
Insert: "depose"
Following: "and"
Strike: "says"
Insert: "say"

VISITORS' REGISTER

HOUSE STA HOW COMMITTEE

BILL HB 693 Date

SPONSOR FABRICA

NAME	RESIDENCE	REPRESENTING	SUPPORT
MIKE MAHER	HELENA	SELF	X
MARK MACKIN	Helena	Clean Coalition	X
MIKE MCGRATH	HELENA	ATTY GENL	—

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

EXECUTIVE SESSION (cont.)

HOUSE BILL 683 — DO PASS AS AMENDED

The committee discussed the proposed amendments of the sponsor. A copy is attached and is EXHIBIT 13 of the minutes

Representative Spilker moved the amendments. A vote was taken and carried unanimously.

Representative Spilker made a DO PASS AS AMENDED motion. A vote was taken and carried unanimously.

HOUSE BILL 565 -reconsidered — NO ACTION TAKEN

The committee decided to wait until Representative Roth could be present to explain the proposed amendments.

HOUSE BILL 722 — DO NOT PASS

Representative Kropp made a motion that HB 722 DO NOT PASS. He said that this voluntary legislation would accomplish nothing and would be very hard to enforce. Following discussion a vote was taken and carried with 15 YES, 1 NO and 3 absent. Representative Dussault voted NO. Representative McBride was excused.

A motion was made to adjourn at 11:30 a.m.

Respectfully submitted,

G. C. Feda

G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

EXHIBIT THIRTEEN

STATE ADMINISTRATION
AMENDMENTS TO HOUSE BILL 683

FEBRUARY 14, 1981
RM 436

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Following: line 14
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Insert: "on his/her voter registry card"

7. Page 12, line 17.
Following: "petition),"
Strike: "affirms"
Insert: "affirm"
Following: "sworn,"
Strike: "deposes"
Insert: "depose"
Following: "and"
Strike: "says"
Insert: "say"

CONSIDERATION OF HOUSE BILL 545:

AN ACT TO ALLOW A MEMBER OF A POLICE FORCE AND HIS FAMILY TO PARTICIPATE IN POLITICAL ACTIVITY AND THE RIGHT TO HOLD PUBLIC OFFICE.

Rep. Bob Sivertson stated this bill allows members of a policeman's family to participate in political activities and was amended to allow the policemen also but not while in uniform, only as a civilian.

PROPONENTS: None.

OPPONENTS: None.

Questions: Senator Ryan asked if police force is defined. Rep. Sivertson did not know the answer, and Senator Towe sought the answer in the code.

Senator Towe asked what the subcommittee had done in the house. Rep. Sivertson said they changed the intent of his bill and agrees with Senator Towe the bill probably does not do what the title says it does. Senator Towe was told the committee could look at the original. Senator Towe questioned whether there has ever been a problem concerning family members in political situations and was told yes.

Senator Towe suggested leaving in the stricken material on page 1, reinstate stricken material on page 2, make it number 2, and make 3 state, "The officer or member of the police department may participate in political activity or hold public or political office provided he does not do so while on duty or in uniform or that it does not otherwise interfere with the performance of his duties."

There was some further discussion before the hearing was closed.

CONSIDERATION OF HOUSE BILL 683:

AN ACT TO REVISE AND CLARIFY THE LAWS RELATING TO BALLOT ISSUES; TO SIMPLIFY THE LANGUAGE IN BALLOT ISSUE PETITIONS; TO REQUIRE THAT EACH PETITION CONTAIN THE ADDRESS OF THE PERSON CIRCULATING IT; AND REQUIRING THE ATTORNEY GENERAL TO APPOINT A COMMITTEE TO WRITE THE PURPOSE OF THE BALLOT ISSUE AND THE STATEMENTS OF IMPLICATION.

Rep. Jay Fabrega said this bill revises and clarifies the law relating to ballot issues and read the title. He went over particular sections: page 2, line 6, and page 3, line 5: the stricken material on page 4; page 13, line 17, etc. and explained the new language.

PROPONENTS: Mark Mackin said this will make the initiative better drafted; Mike Males suggested an amendment to delete page 13, line 6.

OPPONENTS: Mike McGrath, from the Attorney General's Office, opposed section 7 because it is a cumbersome process, and it is difficult to locate opponents. There also is no money for this.

Senator Story asked about the status of Senate Bill 235 and was answered that it is still pending.

Senator Ryan asked if there should be a penalty if one signs a petition twice and Rep. Fabrega answered yes. He was asked if anyone has ever been accosted, and the answer was no but it is illegal and the clerk and recorders have a color code to check to see if it has been signed more than once. Senator Towe mentioned that it should be an intentional signature because time may elapse between signatures, and one may not realize he is signing the same petition more than once.

Senator Towe asked Rep. Fabrega about a mandate that he seek out assistance, concerning lines 12-15 on page 14.

Senator Towe then asked Rep. Fabrega if he is familiar with Senate Bill 235, stating that both cannot be passed.

Senator's Towe, Ryan, and Mr. McGrath discussed the wording of the amendment suggested on page 16, line 17. Senator Towe moved an amendment following: "shall", insert: "seek out parties on both sides of the issue and obtain their advice. The attorney general may, if he deems it necessary,".

Senator Ryan discussed his difficulty with the wording because it implies the attorney general may try, but with little effort.

Chairman Story stated we may wait to see what happens to the other bill before we act on this.

Senator Towe withdrew his motion.

Rep. Fabrega closed pointing out that the printing shop had left off the boxes for voting on the bill.

Chairman Story announced executive meeting Tuesday, March 10, but House Bills 330 and 683 will be voted on at a later date.

There was discussion of House Bill 302 within the committee.

ADJOURNMENT: 11:50.

PETE STORY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 3-9-81

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.			
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe			

Each day attach to minutes.

NAME: Mack MacLain DATE: 3-9

ADDRESS: 1316 Spring St Helena

PHONE: 442-1177

REPRESENTING WHOM? Cst Legislative Coalition

APPEARING ON WHICH PROPOSAL: HB 683

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: HB683 will make sure that initiatives are better drafted.

~~the ballot language~~

the form of the initiative as improved.

the title review committee was a nice feature. It will give potential opponents an opportunity to ensure the ballot language is accurate.

NAME MIKE MALES BILL No. 683

ADDRESS P.O. BOX 1184 HELENA DATE 9 MAR 1981

WHOM DO YOU REPRESENT FED. TWO CNTR

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

PROPOSED AMENDMENT:

PAGE 13, LINE 6: DELETE LINE 6

THE AMENDMENT IS MINOR & TO REMOVE REDUNDANCY — DATE OF NOTARIZATION MUST BE DATE OF SIGNING AFFIDAVIT.

FORM CS-34
1-81

DATE 3-9

COMMITTEE ON State Administration BILL NO. 683

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Check One: Oppo
Mark Mackin	Ct Legislate Coalition	✓	
~~Mike Hall~~	~~LWV of MT~~		
MIKE MCGRATH	ATTY GENL'S OFFICE		X
~~Margaret Davis~~	~~LWV of Mt~~		

ACTION ON HOUSE BILL 372: John Hollow suggested amendments, explaining which section applied to which occupations. Senator Towe asked about striking section 1 and 2, but Mr. Hollow said it should stay in because that is for their disability. Senator Hammond moved the amendments do pass; motion carried. Senator Ryan pointed out that each section is the same for each department. Senator Towe reaffirmed the fact that the individual has to be offered a position. Senator Towe moved the bill DO PASS, AS AMENDED; motion carried unanimously, and Senator Ryan will carry the bill. See standing committee report for amendments.

ACTION ON HOUSE BILL 429: The committee discussed the budget amemdmemt. The committee voted to amend the bill to interchange "even-numbered" with "odd-numbered" each time it occurred in the bill. Senator Towe moved the amendments be passed; motion carried with Senators Kolstad, Hafferman, and Hammond voting No. Senator Towe moved the bill DO PASS, AS AMENDED; THIS MOTION FAILED. See roll call vote. This bill went out of committee as AND, AS SO AMENDED, BE NOT CONCURRED IN. See standing committee report.

ACTION ON HOUSE BILL 436: Senator Johnson reviewed the subcommittee's report with submitted amendments. She moved the amendments; motion carried by all; she then moved the bill DO PASS, AS AMENDED; motion carried by unanimous vote.

ACTION ON HOUSE BILL 565: Amendments submitted by John Hollow were a combination of those submitted by Rep. Bardanouve and the committee's desires. Discussion followed with a question on page 3 line 3, amendment 8 that will be investigated by Senator Story. There was discussion of using the words "unique identification". Senator Towe suggested using "recommendations" instead of "findings". Senator Johnson moved the amendments do pass; motion carried. Senator Towe moved the bill DO PASS, AS AMENDED; motion carried by unanimous vote. Senator Stephens will carry the bill on the floor. See standing committee report for amendments.

ACTION ON HOUSE BILL 683: There was discussion by the committee regarding the lawsuit that the attorney general was involved in and the amendments that were suggested. Sen. Johnson moved the amendments pass; motion carried; she then moved the bill DO PASS, AS AMENDED; motion carried unanimously. Sen. Towe will carry the bill on the Senate floor. See standing committee report for the amendments.

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 3-24

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.	✓		
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 24 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 683

FABREGA (TOWE)

Respectfully report as follows: That HOUSE Bill No. 683

, third reading copy, be amended as follows:

1. Title, line 10.
Following: "AND"
Strike: "REQUIRING"
Insert: "ENCOURAGING"

2. Page 13, line 6.
Following: line 5.
Strike: line 6 in its entirety

3. Page 13, line 17.
Following: "shall"
Insert: "endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general may, if he deems it necessary,"

4. Page 15, lin e 14
Insert: "[ ]"

5. Page 15, line 16
Insert: "[ ]"

~~VERSUS~~
~~DO PASS~~
And, as so amended,
BE CONCURRED IN

PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.